

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 28, 2004

DIVISION ONE

B169465 Ordlock et al. (Certified for Publication)
 v.
 Franchise Tax Board

The judgment is reversed. On remand the trial court is directed to grant the motion of Bayard and Lois Ordlock for summary judgment and to entertain their motion for litigation costs. Appellants are entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

B165884 Gold (Not for Publication)
 v.
 Harker

The order is affirmed. Respondent Ronald Gold is entitled to costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.
 Vogel (Miriam A.), J.

B169754 People
 v.
 Hewitt

Filed order vacating submission order of July 20, 2004. Supplemental briefing on *Blakely* issue is ordered. Cause to stand resubmitted upon the filing of the last supplemental brief filed.

July 28, 2004 (Continued)

DIVISION ONE (Continued)

B169547 Moreno et al. (Not for Publication)
v.
Spirtos

The June 10, 2003 order is affirmed. Respondent Irene Moreno is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B171759 People (Not for Publication)
v.
My Q. Le

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B162159 George Moghadam (Not for Publication)
B160282 v.
Henry Danpour et al.

The judgment is affirmed. Danpour is entitled to his costs of appeal on condition that he dismisses his cross-complaint; if the cross-complaint is not dismissed, the parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

July 28, 2004 (Continued)

DIVISION ONE (Continued)

B168584 People (Not for Publication)

V.

Bryan Thomas Gaeta

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B165970 IPS Corporation (Not for Publication)

V.

Takeuchi

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B168545 Artists Management Group, LLC (Not for Publication)

V.

Global Golf Management, Inc.

The judgment is affirmed. Global to recover its costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B173014 Bren (Not for Publication)
v.
Bren

The order sustaining Bren's demurrer without leave to amend as to Gold's and the children's fraud causes of action (the second and third causes of action) is reversed, and the trial court is directed to order Bren to answer those causes of action. In all other respects, the judgment is affirmed. Parties are to bear their own costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Nott, J.

B170242 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Yvette U. et al

The orders are affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B167778 People (Not for Publication)
v.
Purvis

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B165665 General Motors Corporation
 v.
 Franchise Tax Board

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B160115 Gregory J. Gordon (Not for Publication)
B163835 v.
 21st Century Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B160520 Paul G. Marshall, Jr. et al.
 v.
 Pasadena Unified School District
 Hayward Construction Company, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B166344 People
 v.
 Jared Jacob Standish

Filed order vacating submission order of April 29, 2004. Due to the press of other court business and the complexity of the issue in this case, additional time is needed to complete and file the opinion in this matter.. Cause resubmitted.

July 28, 2004 (Continued)

DIVISION FOUR

B144789 Greene (Not for Publication)

V.

Century National Insurance Company et al.

The orders granting the motions for judgment notwithstanding verdict and for new trial are reversed. The matter is remanded to the trial court with directions to reinstate the jury's verdict and enter judgment accordingly. The judgment, as reinstated, is otherwise affirmed. The parties are to bear their own costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B166409 Moca (Not for Publication)

V.

Whitlock

The appeal is dismissed. The parties shall bear their own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B165491 Islas
v.
D & G Manufacturing Co., Inc.

V.

D & G Manufacturing Co., Inc.

Filed order denying petition for rehearing.

B148135	Iredale
B157568	v.
B165851	Cates III

$$\mathbf{V}_s$$

Cates III

Filed order denying petition for rehearing.

July 28, 2004 (Continued)

DIVISION FOUR (Continued)

B164523 Krall
v.
City of Los Angeles

Filed order denying petition for rehearing.

DIVISION FIVE

B174738 Naondra W. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied. Pursuant to California Rules of Court, rule 24(b)(3), this opinion is made final forthwith as to this court.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B168042 People (Certified for Partial Publication)
v.
Jesse Sykes

The matter is reversed in part and remanded for resentencing on the following particulars: First, a specific sentence shall be imposed as to count 3. Second, the trial court shall select a principal term from amongst counts 2,4,5, and 6, and set the base term. Third, the trial court shall impose consecutive terms of the midterm doubled for the unstayed determinate term counts. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

July 28, 2004 (Continued)

DIVISION FIVE (Continued)

B163333 Veronica Oliveros (Certified for Publication)

v.

County of Los Angeles

The judgment is reversed. Each party to bear their own costs.

Armstrong, J.

I concur: Mosk, J.

I dissent: Turner, P.J. (Opinion)

DIVISION SIX

B164501 Carolyn Tyler (Not for Publication)

v.

Rochelle Kassens

The order holding Kassens in contempt is vacated and the \$2,000 sanction is stricken. In all other respects the judgment is affirmed. Costs to appellant.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J

B161266 People

v.

Lara

Filed order denying petition for rehearing.

B166315 People

v.

Devine

Filed order denying petition for rehearing.

July 28, 2004 (Continued)

DIVISION SIX (Continued)

B165655 Dockery
v.
Nitescu

On the court's own motion, the appeal is dismissed without prejudice. The January 28, 2003, order denying appellant's motion for change of venue is a nonappealable order. Appeal (notice of appeal filed March 13, 2003) dismissed.

B170328 In re Ramon Stevens on Habeas Corpus

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B167206 People (Not for Publication)
v.
Purifoy

The judgment is modified to strike 10 of the 14 five-year enhancements, thereby reducing appellant's aggregate sentence to 45 years to life, and to award appellant 404 days of presentence credit, 270 actual and 134 conduct. The superior court is directed to send a certified copy of the amended abstract of judgment reflecting these modifications to the Department of Corrections.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

July 28, 2004 (Continued)

DIVISION SEVEN (Continued)

B169808 People (Not for Publication)
v.
Leos

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B171852 People
 v.
 Brown

(Not for Publication)

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B167237 People (Not for Publication)
v.
Garcia

The conviction for assault with a deadly weapon or by means of force likely to produce great bodily injury is affirmed. The conviction for attempted voluntary manslaughter is reversed and the case remanded for further proceedings. In the event the People elect not to retry the attempted voluntary manslaughter offense or, if Garcia is retried and found not guilty of attempted voluntary manslaughter, the trial court shall lift its stay of execution of the sentence previously imposed on the assault count.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

July 28, 2004 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The orders of the juvenile court are affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B172283 Los Angeles County, D.C.S. (Not for Publication)
v.
Wakeisha M.
In re Emerie T., et al, Minors

The order terminating parental rights is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B174292 Steven A. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County, D.C.S., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct hearing pursuant to section 366.26, the petition is denied on the merits.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B162583 Cohen (Not for Publication)
v.
Vititoe

The judgment and post-judgment order awarding attorney fees are reversed as to the cause of action against Masry & Vititoe for failure to prevent harassment and the cause is remanded to afford the parties an opportunity to retry this cause of action. In all other respects the judgment is affirmed. Appellant is awarded its costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B164688 Trujillo (Not for Publication)
v.
Trujillo

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B169052 Bond Development Group (Not for Publication)
v.
Gregg et al.

The judgment is reversed. On remand the trial court shall vacate the defaults entered against Gregg, Osborn, CTSO and Ascot and conduct further proceedings not inconsistent with this opinion. Gregg, Osborn, CTSO and Ascot are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

July 28, 2004 (Continued)

DIVISION SEVEN (Continued)

B169511 Drum (Not for Publication)
v.
American Golf Corp.

The order of dismissal is reversed, and the cause is remanded for further proceedings not inconsistent with this opinion. Drum is to recover his cost on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B148398 Venegas et al. (Not for Publication)
v.
County of Los Angeles et al.

The judgment is reversed as to plaintiffs' cause of action under Civil Code section 52.1 (count 8), as set forth in *Venegas v. County of Los Angeles*, supra, 32 Cal.4th 820, and as the causes of action for battery (count 6) and negligence (count 9), as set forth in our initial decision, *Venegas v. County of Los Angeles* (Dec. 23, 2003, B148398). In all other respects the judgment is affirmed. The matter is remanded to the trial court for further proceedings consistent with the Supreme Court's decision, this opinion and those portions of our initial decision that have not otherwise been reversed or modified. All parties are to bear their own costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

July 28, 2004 (Continued)

DIVISION SEVEN (Continued)

B168226 Welch (Not for Publication)
v.
Sobel

The judgment is affirmed. Each party to bear their own costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B165257 People v. Josue M.
B167384 People v. Morrow
B171897 DCFS v. Regina C. and Juan M.

Argument waived, cause submitted.

B169060 Farmers Insurance Exchange
v.
Dodd

Merits:
Argued by Douglas G. Benedon for appellant and by Allen Michel for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B166231 Martinez
 v.
 Chippewa Enterprises, Inc.

Appearances:
Kim L. Nguyen for respondent and no appearance for appellant. Cause submitted.

B166686 Goliger et al.
 v.
 AMS Properties, Inc.

Matter has been continued to September 27, 2004.

B168802 People
 v.
 Cervantes

Merits:
Argued by Edward J. Haggerty for appellant and by Rama R. Maline, Deputy Attorney General for respondent. Cause submitted.

B168546 Martin et al.
 v.
 The County of Los Angeles et al.

Appearances:
Ken Mifflin for appellants and by Martin Stein for respondents. Argument waived, cause submitted.

B167209 People
 v.
 Gunn,

Merits:
Argued by Stuart Miller for appellant and by Herbert S. Tetef, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B165439 People
 v.
 Dillhunt

Merits:
Argued by John Lanahan for appellant and by Alan D. Tate, Deputy
Attorney General for respondent. Cause submitted.

B169820 People
 v.
 Catalina G.

Merits:
Argued by Gary Kessler for appellant and by Yun K. Lee, Deputy Attorney
General for respondent. Cause submitted.

Boland, J. leaves the bench.

B168571 People
 v.
 Jacobs

Merits:
Argued by Robert D. Bacon for appellant and by David F. Glassman,
Deputy Attorney General for respondent. Cause submitted.

Boland, J. returns to the bench.

B168276 People
 v.
 Thorbourn

Merits:
Argued by Matthew Monforton, Deputy District Attorney for appellant and
by Mark J. Geragos for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B166840 Longwood
 v.
 Restamian

Matter continued to September calendar.

B166856 FAA Beverly Hills, Inc.
 v.
 Shahrokhi

Merits:
Argued by John P. Boggs for appellant and by Robert Brundage for
respondent. Cause submitted.

B171305 Zambrano
 v.
 Guilfoil

Merits:
Argued by Siamak E. Nehoray for appellant and by Anna L. Birenbaum for
respondent. Cause submitted.

B166455 Ambriz et al.
 v.
 Nevarez

Merits:
Argued by Barry Orlyn for appellants and by David N. Weiss for
respondent. Cause submitted.

DIVISION EIGHT (Continued)

B167037 Westside Concrete Company, Inc.
 v.
 Division Of Labor Standards Enforcement et al.

Merits:
Argued by Robert R. Roginson for appellant and by Mile E. Locker and
Marguerite C. Stricklin, Deputy Attorney General for respondents. Cause
submitted.

B164694 Jurek
 v.
 Bowman

The matter continued to September calendar.

B167655 L.A. Foods, LLC, et al.
 v.
 Indel Food Products, Inc.

Matter continued to September 28, 2004, at 9:00 a.m.

Court adjourned at 12:20 p.m.